

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

RAHIM R. CALDWELL, :
Plaintiff, : Civil No. 08-5909 (RMB/KMW)
v. :
:

VINELAND POLICE DEPARTMENT, :
ORLANDO ALVAREZ, D. ADAMS, :
CITY OF VINELAND :
Defendants. :
:

RAHIM R. CALDWELL, :
Plaintiff, : Civil No. 08-5914 (RMB/AMD)
v. :
:

HAMILTON TOWNSHIP POLICE :
DEPARTMENT, TOWNSHIP OF :
HAMILTON (ATLANTIC COUNTY), :
CITY OF MAYS LANDING, :
T. GRACZYK, :
Defendants. :
:

RAHIM R. CALDWELL, :
Plaintiff, : Civil No. 08-5916 (RMB/AMD)
v. :
:

PLEASANTVILLE POLICE, :
CITY OF PLEASANTVILLE, :
NAPOLITANO, GAZO, RIGGIN, :
Defendants. :
:

RAHIM R. CALDWELL, :
Plaintiff, : Civil No. 08-5921 (RMB/JS)
v. :
:

BRIDGETON POLICE DEPARTMENT, :
DENNINGER, CITY OF BRIDGETON, :
Defendants. :
:

MEMORANDUM AND ORDER

THIS MATTER comes before the Court upon the Plaintiff's

letter request that "no further actions take place on all cases in which Judge Bumb is the judge, pending motion to disqualify that is currently before [C]hief [J]udge Garrett E. Browne (sic) Jr." in Civil Action No. 08-5909 [Docket Entry No. 20], Civil Action No. 08-5914 [Docket Entry No. 29] and Civil Action No. 08-5916 [Docket Entry No. 9].

A motion to disqualify a judge must be brought in the first instance before the judge the party is seeking to disqualify.

See e.g., United States v. Torkington, 874 F.2d 1441, 1446 (11th Cir. 1989). The Court has previously denied Plaintiff's motion to disqualify the Court in Civil Action Nos. 08-5914 and 08-5921, and to the extent Plaintiff seeks this Court's recusal again or in Civil Action Nos. 08-5909 and 08-5916, the Court denies such motion for the very same reasons it expressed on the record on June 3, 2009, in which Plaintiff was present.

Thus, what remains before the Court is Plaintiff's request that this Court take no further action in any of these cases until Plaintiff has had his disqualification request heard by the Chief Judge of this District. The Court finds that the appropriate action at this juncture, in fairness to the Court and the parties, is to have the Clerk of the Court administratively terminate these matters until Plaintiff chooses to litigate his cases and informs the Court that he wishes to proceed with discovery. Accordingly,

IT IS ON THIS 14th day of October 2009, **ORDERED** that to the extent Plaintiff moves to disqualify Judge Bumb in each of these cases such motion shall be denied for the very reasons set forth on the record on June 3, 2009, in which Plaintiff was present; and

IT IS FURTHER **ORDERED** that the Clerk of the Court shall administratively terminate these actions until the Court receives correspondence from the Plaintiff that he wishes to litigate the case/cases and that he will participate in the discovery process (including submitting to depositions), at which time the Court will reinstate the case/cases to its active calendar; and

IT IS FURTHER **ORDERED** that the Clerk of the Court shall notify the Court of any new complaints filed by Plaintiff Rahim Caldwell, from the date of this Order so that this Court may determine whether the new filings are duplicative of previously filed complaints assigned to this Court.

s/Renée Marie Bumb
RENÉE MARIE BUMB
United States District Judge